

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Vens Briceno Jackson,

Plaintiff,

ORDER

vs.

United States of America, et al.,

Civ. No. 18-3294 (MJD/LIB)

Defendants.

This matter is before the Court on the Report and Recommendation by United States Magistrate Judge Leo I. Brisbois dated January 27, 2020 (Doc. No. 39) addressing Defendants' motion to dismiss (Doc. No. 26). No objections have been submitted. Defendants have submitted an additional declaration in support of their motion to dismiss Defendant Elker. As Plaintiff has not objected, the Court will consider the declaration in its de novo review.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court will adopt the Report and Recommendation in its entirety.

IT IS HEREBY ORDERED:

1. Defendants' Motion to Dismiss (Doc. No. 26) is **GRANTED**;

2. Plaintiff's Federal Tort Claims Act claim as alleged against Defendant United States of America is **DISMISSED WITH PREJUDICE**;
3. Plaintiff's Bivens claim as alleged individually against Defendants Feda and Elker are **DISMISSED WITH PREJUDICE**; and
4. Plaintiff's Bivens claim as alleged individually against Defendant York is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: February 28, 2020

s/ Michael J. Davis

Michael J. Davis

United States District Court